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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,436	08/22/2005	Sheng Mei Shen	P27680	5271

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EXAMINER	
KIM, HEE SOO	
ART UNIT	**PAPER NUMBER**
2109	

NOTIFICATION DATE	DELIVERY MODE
09/10/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/530,436	SHEN ET AL.	
	Examiner	Art Unit	
	Hee Soo Kim	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1~19 are presented for examination.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 08/10/2005, 10/25/2005, and 03/9/2007 was filed after the mailing date of 04/06/2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1~19 rejected under 35 U.S.C. 103(a) as being unpatentable over Egli et al. hereinafter Egli (US 2003/0110234) in view of Vetro (US 2003/0156108).

Regarding Claim 1,

Egli teaches a data distribution system comprising a first terminal having data and a second terminal, wherein the system distributes data adapting to the second terminal from the first terminal to the second terminal, wherein the first terminal comprises:

a. a data recording means that records data of a plurality of formats (Pg. 6, Par. [0068]). Examiner takes note that Egli teaches original items of media content, which may be any type of content including digital images, video, etc., are stored locally on the system (see Fig. 3).

b. a data distribution request receiving means that receives a distribution request of data adapting to the second terminal and that receives a URL at which

information of the second terminal is recorded from the second terminal (Pg. 9, Par. [0092], Fig. 4);

c. a terminal information acquiring means that acquires the information of the second terminal from the URL (Pg. 9, Par. [0092], Fig. 4);

d. a data selecting means that selects data adapting to the second terminal on the basis of the acquired information of the second terminal (Pg. 9, Par. [0092]-[0093], Fig. 4); and

e. a data transmitting means that transmits the selected data to the second terminal (Pg. 9, Par. [0092]-[0093], Fig. 4).

Egli's invention teaches the media content system determines the client capabilities once a HTTP request for an item of content is made by the client devices (Pg. 8, Par. [0085]). The request is routed to the client capabilities module (CCM) and obtains available information about the device's capabilities (Pg. 6, Par. [0068]-[0069]). Afterwards, the CCM attaches this information (XML file is generated) to the request and forwards it to the destination where the content is located (either locally in the media content system or at remote location as suggested by Egli) (Pg. 8, Par. [0086]-Pg. 9, Par. [0089]).

Although determination of client capabilities is identified by the media content system as opposed to applicant's claimed invention of the second terminal having a terminal information describing means that describes the information of the second terminal in tree structure; Vetro teaches a similar system as to Egli's and explicitly states "each of these devices (clients) are capable of generating a description of

themselves" (Vetro: Pg. 3, Par. [0049], Fig. 5). Whether the server determines the client's capabilities or the clients themselves using XML standards (to take advantage of the language's hierarchical features) suggests the methods applied were well-known to one of ordinary skill in the art. Therefore, It would have been obvious to one of ordinary skill in the art to move the CCM from the server to the client devices to provide flexibility and a more accurate client capability information for accurate content adaption.

Regarding Claim 2,

Egli teaches a first terminal in a data distribution system that distributes data adapting to a second terminal from the first terminal having data to the second terminal, comprising:

a data recording means that records data of a plurality of formats (Pg. 6, Par. [0068]). Examiner takes note that Egli teaches original items of media content, which may be any type of content including digital images, video, etc., are stored locally on the system (see Fig. 3).

a data distribution request receiving means that receives a distribution request of data adapting to the second terminal and that receives a URL at which information of the second terminal is recorded from the second terminal (Pg. 9, Par. [0092], Fig. 4);

a terminal information acquiring means that acquires the information of the second terminal from the URL (Pg. 9, Par. [0092], Fig. 4);

a data selecting means that selects data adapting to the second terminal on the basis of the acquired information of the second terminal (Pg. 9, Par. [0092]-[0093], Fig. 4); and

a data transmitting means that transmits the selected data to the second terminal (Pg. 9, Par. [0092]-[0093], Fig. 4).

Regarding Claim 3,

Egli's invention teaches the media content system determines the client capabilities once a HTTP request for an item of content is made by the client devices (Pg. 8, Par. [0085]). The request is routed to the client capabilities module (CCM) and obtains available information about the device's capabilities (Pg. 6, Par. [0068]-[0069]). Afterwards, the CCM attaches this information (XML file is generated) to the request and forwards it to the destination where the content is located (either locally in the media content system or at remote location as suggested by Egli) (Pg. 8, Par. [0086]-Pg. 9, Par. [0089]).

Although determination of client capabilities is identified by the media content system as opposed to applicant's claimed invention of the second terminal having a terminal information describing means that describes the information of the second terminal in tree structure; Vetro teaches a similar system as to Egli's and explicitly states "each of these devices (clients) are capable of generating a description of themselves" (Vetro: Pg. 3, Par. [0049], Fig. 5). Whether the server determines the client's capabilities or the clients themselves using XML standards (to take advantage of the language's hierarchical features) suggests the methods applied were well-known to one of ordinary skill in the art. Therefore, It would have been obvious to one of ordinary skill in the art to move the CCM from the server to the client devices to provide flexibility and a more accurate client capability information for accurate content adaption.

Regarding Claim 4,

Egli teaches a third terminal that, in a data distribution system that distributes data adapting to a second terminal from a first terminal having data to the second terminal, has a URL which can be accessed by the first and second terminals and records information of the second terminal, comprising:

a terminal information receiving means that tree structure description of information of the first terminal from the second terminal (Pg. 6, Par. [0068]);

a terminal information recording means that records information of the second terminal (Pg. 6, Par. [0069]); and

a terminal information transmission means that transmits the information of the second terminal to the first terminal in response to a distribution request of the information of the second terminal from the first terminal (Pg. 7, Par. [0070]~[0071]).

Regarding Claim 5,
The claim is rejected because it is directed towards a method claim based on the distribution system of claim 1.

Regarding Claim 6,
Egli teaches the information of the second terminal described in tree structure, information related to basic characteristics of the second terminal, information related to AV coding capability of the second terminal, and pieces of information related to a multimedia input/output of the second terminal are branched and described as branch information (Pg. 10, Par. [0102]).

Regarding Claim 7,
Vetro further teaches selecting some branch information in tree structure of the information of the second terminal (Pg. 10, Par. [0100]~ [0101]); and

notifying the first terminal of a URL related to the selected branch information to request the first terminal to distribute data to the second terminal (Pg. 10, Par. [0100]~[0101]).

Regarding Claim 8,
Egli and Vetro fails to specifically disclose the innards of a client device. Although Egli teaches the client devices include personal computers, laptops, PDAs, and etc. (Pg. 5, Par. [0056]), "Official Notice" is taken that both the concept and obviousness to use hardware such as a CPU, OS, memory (RAM), GPU, Tuner cards, Sound cards, Monitors (LCD) and storage medium (CD-ROM, burners, HDs) are all generally well-known and expected in the art. Furthermore, the hardware makes up the core functionality of a terminal device with software required to allow multiple multimedia contents such as images, sounds, and video to be viewed, converted, or acquired.

Examiner finally points out that both Egli and Vetro teaches their inventions include the capabilities for a particular media content in a particular format from any client devices to be converted into the requested format and delivered to the devices (Egli: Pg. 7, Par. [0071]; Vetro: Pg. 3, Par. [0046]).

Regarding Claim 9~16,
The claims are rejected based on similar features presented and argued from claim 8.

Regarding Claim 17,
The claim is rejected based on the distribution system of claim 1.

Regarding Claim 18,
Egli teaches as the information of the second terminal described in tree structure, information related to basic characteristics of the second terminal, information related to

AV coding capability of the second terminal, and pieces of information related to a multimedia input/output of the second terminal are branched and described as branch information (Pg. 10, Par. [0102]).

Regarding Claim 19,

Egli teaches the step of selecting data adapting to the second terminal on the basis of the acquired information in the first terminal includes the steps of: parsing the information of the second terminal described in tree structure and obtained from the URL; selecting data adapting to the second terminal on the basis of branch information described in tree structure and obtained by the parsing (Pg. 10, Par. [0100]~[0101]).

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hee Soo Kim whose telephone number is (571) 270-3229. The examiner can normally be reached on Monday - Friday 7:30AM - 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin Lateef can be reached on (571) 272-5026. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSK
8/27/07

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